TRIAL OF JOHN II. SURRATT.

More Evidence of the Prisoner's Presence in Washington April 14.

Surratt Informed Parties of the Intention to Kill Mr. Lincoln.

What the Defence Proposes to Prove.

SMALL ROW BETWEEN COUNSEL.

The trial of John H. Surratt was resumed this morning in the Criminal Court, Judge Fisher presiding was an increased attendance on the part of spec-The number of ladies in attendance has increased, and they occupy seats within the bar.

The prisoner was brought in at ten o'clock sell of the jurous was called. ught in at ten o'clock and the

es Carroll, Robart, Charles H. Blim and Joseph M. Dye be recalled for the purpose of cross-examination apon points which have come to the knowledge of the raince the other examination closed.

Mr. Carrington felt it his duty to object. Mr. Merrick said it was a matter within the sound dis-retion of the Court, and the recalling was necessary to tust trial of the case.

Mr. Carrington withdrew his objection, as he was not disposed to throw any embarrassment in the way of

Mr. Wilson said he thought the witnesses referred to

had been discharged and gone home.

Mr. Carrington said in withdrawing his objections be ald not wish to be understood as acknowledging he was

under any obligations to his witnesses bere. Mr. Merrick said he hoped no witnesses would be disbarged except upon the consent of both parties, He to show that witnesses had been retained during the shole trial for the purpose of being recalled if necessary.

Sour trial days. The Court suggested that it was probably the retention

of the witnesses that prolonged the trial.

Mr. Bradley asked if the prosecution proposed to

Mr. Carrington said not unless the Judge directed Mr. Bradley said the witnesses had been

rithout the knowledge of counsel.

Judge Fisher said that in a long experience he had ever heard of a rule that allowed witnesses to be re-alled in the manner now proposed. If there was a rule

Mr. Bradley said he had been misunderstood. He in ded to convey the idea that the rule was within the sound discretion of the court. The defence therefore posed to lay a foundation for the case upon which

Mr. Carrington repeated that he had no objection to the call of the witnesses if they were here, but he did

Mr. Merrick asked if they would recall Susan Ma Mr. Carrington said she was in the city and could be

scalled at any time. Mr. Merrick said that case was then out of the way,

and it only remained as to the call of Blinn and Hobart and be therefore submitted a motion to have them rethen he stated what he expected to prove.

able them to show that in April, 1865, when the facts were fresh in his memory, Mr. Hobart stated that the parties to whom he referred in his testimony as having got on his train at Essex Junction got on that train on Priday, the 21st of April, and not on Tuesday, April 18. These dates were very material. That Hobart had made the statement was brought to the knowedge of the defence after the examination had closed. That his was so, he would read from the statement of Hobart as made to a government official.

Mr. Marick took up a book and was about to read from it.

Pierrepont interrupted and wanted to know what this evidence had been given to

be had never seen it or the paper.

Mr. Merrick said it was in Baker's book, and if Mr.
Perrepont had never seen it the prosecution in this case
and the government had seen it and knew all about it.
The paper referred to was a letter to General L. C. Ba-

Are.

Mr. Pierrepont wanted to know if Baker's book and its contents could be put in evidence. He certainly objected to it.

Mr. Bradley objected to these incessant interruptions, and be asked that the rule be strictly enforced.

Mr. Bradley called him to order, and demanded that its method in the rule be strictly enforced.

Mr. Bradley called him to order, and demanded that its Merrick should be allowed to proceed.

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Mr. Bradley called him to order, and demanded that its Merrick should be should sustain an objection to reading Raker's book, or any other book except a law book. Kverybody knew that Baker's was not one of law, and it was generally doubted whether it was one of fact.

Mr. Merrick shid he did not propose to read from Baker's book or say other book. He simply proposed to read a statement of what he proposed to prove if the witness Robart was recalled. He proposed to prove if the witness Robart was recalled. He proposed to prove if the witness Robart was recalled. He proposed to have that before April 27, 1858, when the facts were frosh in his memory. Hobbart stated that he had carried the men described yeaterday on Friday, April 21, instead of Tuesday, April 18, and that his statement on that occasion corresponded exactly with his evidence of yesterday, except as to the date when the med as statement before April 27 corresponding with that made yesterday, except as to the date when the men came to the depot at Burlington. They would show that he positively fixed the date from the fact of his brother's death, and that his mother was absent on the Thursday night, and that it was on Friday morning the witness was put upon the train. It was the object of the prosecution to show that Surratt was in Montreal on the afternoon of April 18; that he was at St. Albans the morning of the Listh, and was at Burlington on the nigh

Mr. Merrick said he did not purpose to offer it in evidence, he simply read it as the basis of his application to recall him.

Judge Fisher said the paper must not be read in the hearing of the jury.

Mr. Pierrepont said that when the motion was first made by counsel for the defence, and objected to by the District Attorney, he (Mr. Pierrepont) sugressed that soortain witnesses be allowed to be recalled. He did not know at the time that these witnesses were gone. But Mr. Wisson, the Assistant Attorney, had advised the Court that some had gone to their homes. Susan Jackson, however, was in the city, and the proceeding consoled that she be recalled. Could say thing be more awarded that she be recalled. Could say thing be more awarded that she be recalled. Could say thing be more awarded that she be recalled. Could say thing be more to the same that the practice of the would sak she. Court whether on a motion to recall witnesses, in order to continue the cross-examination, it was the practice to targue questions of fact, and sum up, and tell what: any expected to prove. This motion was to compel the recall of witnesses. Counsel for the prosecution we willing to extend all the courtesy in their power; it bey would make no objection to the recall of any of the witnesses now in the city, and the putting them upon the stand with all the advantages of cross-axamination being compelled to bring back here those who had left the city. They should not bring them hack unless or desire do do so by the Court. Neither leastes are law required such a proceeding.

Mr. Carringto, 1—1s not the application somewhat unprecodented 7 a witness has been fauly examined, and after the examination has been competed.

Mr. Bradiey—It will be put in shape, The Court—It is out of order for gentlemen to argument to the jury about the facts they are a prove. The proper mode is to support the mod-afficiarit.

affidavit.

Mr. Merrick remarked he did not propose to argue the case, but if the motion was founded on affidavit he would be compelled to present the reasons why the motion should be granted.

Mr. Bradiey to Mr. Pierrepont—You did not suggest that the motion should be supported by affidavit.

Mr. Pierrepont—My objection is to your arguing the question of fact on a simple motion to recall witnesses.

Mr. Carrington—I think it but justice to bring to the attention of your Hones the slander presented against Sergeant Dye. I regret exceedingly that counsel for the defence published a libel system him in open court.

The Court—It is not worth the paper on which it is written.

The Court—It is not worth the paper on which it is ritten.

Mesers, Pierrepont and Merrick were both addressing the Court at the same time, when the Court interrupted the beautiful the court interrupted the proceed in regular order. The one side is examining witnesses in chief, the other decan cross-examine, and wice versa; otherwise there till be no end to the trial.

Mr. Merrick, counsel for the prosecution, said—I proceed a libel. I can only remark it came to me under flicial seal from the State of Pennsylvania. I know othing more. What did you do with our motion?

The Court—I overruled it.

Reward L Smith was sworn and examined by the resecution. He had since 1800 resided about a mile or three or four years; recollected he stand at his house of the processing they, on that occasion, conversed about different

o be paid.

Mr. Robey said he had seen Mr. Wilson (the Assistant istrict Attorney), and made it all right.

Mr. Carrington—Have you not been in Mr. Merrick's

rs—Yes, once. errick—He told me all about it. cs—Mr. Morrick said he was after Witness—Mr. Morrick said he was after me with names at the James M. Wright, Chief Clerk of the Bureau of Mility Justice, was recalled, and identified certain papers having been placed in his custody. These paper rere Jacob Thompson's account with the Ontario Ban'f Montreal; a drait on the bank, and Booth's ban

book.

Mr. Bradley inquired whether the diary of Booth had been filed with the records of the conspiracy trial, and whether the diary had ever been in that office.

Mr. Whaon objected to the question.

The Court remarked that he did not see that the Booth diary had any relation to the finet stated on the direct examination of witnesses.

Robert A. Campbell, teller of the Outario Bank, Montreal, was sworn, and gave testimony concerning the papers which Mr. Wright had identified.

Mr. Bradley objected to an examination of Jacob Thompson's bank account in Canada.

The tourt said it seemed that the testimony should be heard for the time being, but if the presecution falled to convict the prisoner it should be ruled out.

The witness then testified as to the condition of the separate accounts of Booth and Thompson with the Ontario Bank, showing among other things that, on the 27th of October, 1864, a bill of exchange was drawn for Booth of £61 10s. 12d., and that so the 6th of April, 1865, Thompson drow a check on the bank for \$7,008, and the bank gave him, in the course of the transactions, a certificate of deposit for \$18,000. This was placed against his account, he having a large balance all the time to his credit—probably \$200,000. The witness also testified to the fact that Jacob Thompson was an American.

John Lee was sworn and examined by Mr. Carrington. merican. John Lee was sworn and examined by Mr. Carrington.

testified to the fact that Jacob Thompson was an American.

John Lee was sworn and examined by Mr. Carrington.—
Witness now lived in Mississippi, between Meridian and Vicksburg; previous to that time lived in Washington; had been Sergeant of Company E, Niaety-fifth regiment New York Volunteers; was ordered to Washington in 1862 for duty as a detective in Colonel Baker's force; in his business became familiar with people in this city; had seen John H. Surratt; recognized the prisoner at the bar as Surratt; in April, 1866, was on duty at the quarters' of Colonel J. R. O'Beirne, Provest Marshal; on April 14, 1866, was chief of the detective force under Colonel O Beirne, and went down to the depot that day to look after deserters; on returning, and when at the corner of Sixth street and Pennsylvania avenue, stopped to talk to an acquaintance; then went on up Pennsylvania avenue to Willard's Hotel, and when opposite the hat store of Mr. Stelmmetz, passed a man I took to be John H. Surratt; to the best of witness' knowledge the prisoner at the bar was the man he met; Surratt was walking at an ordinary gait; I was walking fast; on April 15 I went to the Kirkwood House; Major O'Beirne got an order to bring all his men to the Kirkwood House to protect Mr. Johnson; I went up on the roof to see that all was sufe, and that no one could come in through the building; the impression was that somebody would try and kill Mr. Johnson; after gotting the men all fixed I went down to the clerk's office; acting upon certain information I went to room No. 120 and could not find the key; after consulting with Mr. Sprague I burst the door open and went into the room; a cont was hanging on the wall, and in a pocket I found a spur and a book. (Book produced; witness recognized it as the book he found in the coat pocket.) I got the book and three pocket handkerchiefs, and a half a stick of black licorice; I then hunted for letters, but found none; I then took the articles down stairs, at the parlor next to Mr. Johnson's room, and gave the

to Secretary Stanton's house; I gave him the times, and he examined all except the piloto he did not care about and the examined all except the piloto he did not care about and the piloto he did not care about a control of them until I was ordered to set them up as the collection of them until I was ordered to set them to Judge Advocate Burnille, at his office, corner of Eighteeuth atreet and Pennsylvania avenue.

At fifteen minutes past twelve the court took a recess for half an hour.

Upon reassembling John Lee was recalled and cross-examined by Mr. Bradley—I was a detective officer under Cohonel O'Beirne; was with Colonel Baker before 1855; was with Baker in 1863 or 1864; can not come any nearer to the time; I left Aquia creek at the first burning by General Burnside, and I came to Washington to Colonel, now General, Rucker's hesiquarters; I think I left Colonel Baker's service in 1804, but cannot tell exactly; when I left Colonel Baker's service levent on duty with Captain Putnam, Provost Marshal, who was O'Beirne's predecessor; I was in the United States military service; while with Baker, Captain Putnam's head quariers was at Ninetenth and I streets; I was on duty all the time; I went into O'Beirne's service about aix months before the assessination; was with Putnam six months; left Colonel Baker some time in the spring of 1864; the detective force was at that time employed in ferreting out blockade runners, who were carrying medicines South, and it was at this time Surratt was pointed out to me at the depot; I do not know when that was, but it was many months before the assassination; was with Putnam six months; left Colonel Baker some time in the spring of 1864; the detective force was at this time Surratt was pointed out to me appealaly; a good many men who were carrying medicines South, and it was a man who ran through the intent of the provided out to me appealation of the provided out to me expectation and the was despoted to the out to me a rebei; it was our duty to find the was despoted to the out

in a courteous manner, and, if not, he would teach him to do so.

Mr. Pierrepont did not see the necessity of asking as to the same point at every moment.

The Course directed another witness to be called, and personal difficulties to be settled elsewhere.

Wm. E. Creaver was sworn and examined by Mr. Pierrepont—Witness kept a livery stable in 1865 on Sixth street, between B and Missouri avenue; was a pariner of Mr. Rainey; knew J. W. Booth and knows John H. Sorrats, has known Surratt elevan or twelve years; was familiar with him; he addressed me as Doc, and I addressed him as John, Booth kept his horse at our stable, and the first horse brought there was a light built hay horse. Booth and Surrat came to the stable

Q You sold him without my authority? A. No. air: I had your authority.

Q. Are you the same Dr. Cleaver who was convicted here of committing a rape upon a poor little girl, and in whose case a new trait has been granted?

Mr. Carrington objected. The witness was not bound

witness—I decline to answer that question.

Mr. Carrington said that the question should not have

peen awked.

Mr. Bradley insisted he had a right to ask the ques-tion. The witness could answer or not, as he pleased.

Witness was asked where he was within the last three weeks, and he declined to answer, as it would lead to

Q. Have you seen and speken to Sanford Conover, alias Charles A. Dunham? A. Yes, sir, Q. Did you tell Conover all about this. A. I did, sir; I told him pretty much what I said here.
Q. Bid wid you happen to tell Conover? A. We were talking about the Surratt trial, and I told him about hiring horses to Surratt.
Q. Did Conover write down what you told him? A. He did not, as I saw.
Q. Where did you see Conover? A. In this city, at a house on Sourth street; the house have a lot around it and extends up to C street; have told other parties besides Conover; told a man named Lewis, who was in my employ. I would not have told all about it now if it had not been for Sanford Conover.

Mr. Bradley said that was enough, but Mr. Pierrepont insisted (not the witness should complete a statement he was making.

insisted (sat the witness should complete a statement he was making.

Witness then said it was through Conover be was made a witness; Conover told what I told him, and a man acune to the jail to see me; I was so mad at Conover I could have hit him over the head, and I did not talk to him for five or six days; I then talked to a man named Ashley, who came to see me about the case; Ashley was a short, stoutish man, and Conover told him about it; I told him ail I tell here, but I failed to tell him many things I fail to tell now; saw Ashley at the jail in Conover's company.

told him an it tell now; saw Ashley at the jail in Conover's company.

By Mr. Perreport—I understand that Mr. Ashley is a member of Congress; he came to the jail to see me.

By Mr. Bradley—I have not received promiss of reward from any one for the testimony I should give.

Mr. Eddy Martin was sworn and examined by Mr. Pierreport—Witness was a commercial broker, and is to a visit to Richmond, and asked permission to make an explanation, saying that Mr. Pierreport had promised that opportunity should be afferded in order that witness might show that he was not there improperly; vitness then made a statement to the effect that he had visited Richmond with reference to the sate of some cotton and tobacco, and with the tacit consent of President Lincoln; witness then testified that while at Port Tobacco, waiting to cross, he was detained by the ice and employed a man namen Atzerodt to get him across; wifness also saw Surratt at Port Tobacco; was introduced to him there; Sarratt remained there a day or wo, but was not observed to speak with Atzerodi; this was between the 7th and 15th of January, 1865, and has

MUNICIPAL AFFAIRS.

Bourd of Aldermen.
The Beard of Aldermen met at the City Hall yesterday

afternoon. The resolution relating to the establi mittee on Finance.

The Comptroller made the following statement in

answer to a resolution of inquiry regarding the receipts and expenditures of Washington, and West Washington markets for the years 1865 and 1868 --1865—West Washington market... \$61,273 of 1866—West Washington market... 64,262 27

1865—West Washington mark t... \$10,407 87 1866—West Washington market... 15.159 58

- \$32,265 54 Gross expenditures..... \$57,632 99 The Comptroller sent a second communication in answer to a resolution of inquiry relative to payments on appropriations for printing for the Common Council and

appropriations for printing for the Common Council and city contingencies. The amount paid for printing was \$13,737.36, and for contingencies \$24,720. 18. The principal items among the latter were \$3,405 16 for stationery furnished to the Common Council during the year 1806; \$2,000 for files of the New York Haraln from January 1, 1842, to December 31, 1806, and \$2,000 to D. D. Field for professional services in the case of the Police Commissioners and the License bureau.

A resolution directing the Street Commissioner to remove the fountain in the City Hall Park to Madison square was, also adopted.

The resolution from the Board of Councilmen appropriating \$20,000 for the celebration of the coming Fourth of Jily was, after considerable discussion, laid over.

A resolution from the Board of Councilmen empowering the Hudson River Railford Company to use steam dummy engines on the Eleventh avenue and requiring a license fee of \$50 on each engine, was next brought up and after a stormy debate was adopted.

The Board adjourned to meet on Monday at two o'clock P. M.

The Hudson River Rollroad Company Li-censed to Run Locomotives on the Eleventh Avenue.

The Board met yesterday morning at half-past ten

o'clock, the President, Mr. Brinkman, presiding. After the minutes of the previous meeting were read and approved, resolutions were adopted in favor of

street with the Nicholson pavement.

The following resolution, which was presented at the last meeting was called up, and occasioned considerable

last meeting was called up, and occasioned considerable discussion:

Resolved. That permission is hereby granted to the Hudson River Railroad Company to continue to run their locomotives into their passenger depot at thrifleth street, during the continuance of their charter.

Resolved. That permission is hereby granted to the Hudson River Railroad Company, during the continuance of their charter, to use "dummy engines" to draw their cars between their several passenger and freight stations in the city of New York, upon condition that they pay it each year a license fee of \$25 for each of said engines used by them during that year, and to lay down such switches and turnous at their several passenger and freight depots as are necessary for the convenient transaction of their business.

Resolved, That so much of the resolution adopted by the Roard of Aldernen November 22 199; by the Board of Domenlinen Docember 2, 1808, and approved by the Ragor Docember 13, 1808, as relates to the running of locomotive, and the removing and laying down of rails in use and to be used upon their road, be and the same is hereby annulled, restricted and repealed.

Mr. HERNY Murnar speke in opposition to us adoption, remarking that he did not agitate this matter of

tion, remarking that he did not agitate this matter of

Railroad Company might have secured the passage of an act which would authorize them to run steam cars on the avenue in spite of the ordinances of the Common

The Board adjourned till Monday.

COMMISSIONERS OF THE SINKING FUND.

The Commissioners of the Sinking Fund held a meeting yesterday morning, Mayor Hoffman in the chair also present, Comptroller Connolly, City Chamberlin Sweeny and Alderman Loew, Chairman of the Aider

The Treasurer respectfully reports that by the sixth sists of chapter 806, Laws of 1867, passed April 25, it made the duty of the Board to pay over monthly to Commissioners of the Sluking Fund of the city, or making all deductions and expenses, all sums reveal for licenses and fines in the county of New Tora mount received for licenses granted and delivered in New York from April 25 to May 25, one month, is.

Amount reserved for New York State Insbriate Asylum, Commissioners of Charities and Corrections, and expenses.

he call of the Commissioners.

BENJAMIN F. MANIERRE,
Treasurer Board of Excise.

New York, June 10, 1867.

Alderman Losw offered the following resolution, which

Resolved. That immediate legal proceedings be taken on behalf of the Commissioners of the Sinking Fund (under the direction of the Comprisier) to enforce consiliance by the Excise Commissioners with the requirements of the County Tax levy in respect to license moneys, said commis-sioners having declined to obey the law without litigation. The following letter has been addressed to the Comp-troller.—

OFFICE OF METROPOLITAN BOARD OF EXCESS,) No. 301 MOTT STREET, NEW YORK, June 14, 1867.

was

Resolved, In answer to the demand from the Commissioners of the Sinking Fund of the city of New York for the payment of certain moneys received by this Roard as excass fees, that in view of the Higation pending relative to the law under which said demand is made, this Roard deems it to be its duty to desiline such payment, except pursuant to an order of the court for its protection, and that it will do all in its power to facilities the obtaining a decision of the court on any application that may be made, and that in the court on any application that may be made, and that in the court on any application that may be made, and that in the court on any application that may be made, and that in the court on any application that may be made, and that in the court on any application the made to the Board this day relative to such moneys.

EMMONS CLARK, Secretary.

The meeting then adjourned.

The Board of Health held their regular weekly meet y Committee reported in favor of the ap ountment of the following gentlemen as Assistant Sani ary Inspectors:—G. P. Wright, for Newtown; J. H H. F. Elmendorf and J. H. Allen, for Brooklyn. The following weekly report of the Sanitary Supers tendent was read and ordered on file:-

OFFICE SANITARY SUPRRINTENDENT,
METROPOLITAN BOARD OF HEALTI
NEW YORK, June 20, 1867.
of the Metropolitan Board of Health

week the practicing physicians of this

disease	a have oc	curred:-		Scarla-	Va-	Die.
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Very respectfully, your obedient servant, ED. B. DALTON, Sanitary St Applications to slaughter animals were received from twenty-five slaughter house owners, whose establishments are above Forty-second atreet, on the east side of town. The applications were granted.

THE SOARD OF EXCISE.

The Roard of Excise met vesterday afternoon Prout

The Board of Excise met yesterday afternoon, President Schultz in the chair.

Commissioner Acton reported that since the last meeting of the Board the Committee on Applications had favorably passed upon one hundred and seventy-six applications for liceness, making a total since the last day of May of five thousand eight hundred and fourteen liceness granted. The action of the Committee was approved.

The Special Committee to whom the petition of Joseph H. Stanley, asking for an abstement in his license fee for the current year because, owing to the numerous injunctions granted by the courts he did not during the year 1866 obtain that advantage over unlicensed persons which he anticipated whou he paid for his license for that year, reported:—

That it is undoubtedly true that the petitioner, as well as many others similarly situated, soffered a loss by reason of the free trailic in liquors consequent upon the numerous injunctions granted in the summer of 1886, but that loss was in no sense the result of any action on the part of this Board. On the contrary, the Board resisted that action as far as it legally could, and procured its reversal at the earliest possible moment. The Board having thus done all in its power, cannot properly or equitably be held liable for loss caused by the acts of others. The Board is not an insurer that no unilcensed persons from selling, and this it did. There is another technical reason why the prayer of the petitioner cannot be granted:—Having paid his license fee for the current year, there would seem to be no power in the Board to refund it. We recommend that the prayer of the petitioner be denied.

THOS, C. ACION, 1

Judge William H. Lyons.

The Richmood papers reach us in mourning for Judge
Lyons, one of the most prominent and popular citizens
of Virginia. The deceased expired at his residence in of Virginia. The deceased expired at his residence in Richmond, on Tuesday afternoon, at five o'cleck, after a severe illness of typinoid fever. Judge Lyons was the son of the Hon. James Lyons of this city. He was born in May, 1831, and had, therefore, just entered upon his thrity-seventh year when he died. He went through a colleguate course at William and Mary College, and afterwards graduated at the University. He chose the profession of the law and studied under his father, He went to the bar at an early age, and married in 1855 a daughter of John C Richson, Esq., of this city. In 1860, notwithstanding his youth and the great ability of the Richmond bar, he was elected Judge of the Cours of Hustings of the city of Richmond. He filled the office until its suspension at the close of the war. Upon the restoration of the court he was re-elected its Judge, in Je'y, 1855, without opposition, and continued in the office to the time of his death.

This gentleman, the United States Commission Agriculture, died at the residence of his son, in

ngion, on Wednesday evening last. The deceased was born in Burlington county, New Jersey, on the 51st of March, 1800, and was from his earliest days engaged in agricultural pursuits. Many years ago he removed to Delaware county, Pa., where he owned a farm, to the cultivation of which he applied himself until August, 1861, when he was appointed this of the larguary of Agriculture. In 1862, Mr. Lincoln appointed him communisationer of Agriculture, which position he held to the time of his death. Mr. Newton was generally esteemed as a polite and affable gentleman. He had been alling for some time previous, but his end was not considered near at hand until within a few hours before he axis and the second of the secon

THE COURTS.

UNITED STATES DISTRICT COURT.

Before Judge Blatchford.

The United States vs. 3,109 Cases of Cham witness placed on the stand. His stated principally in relation to the los of wines, and matters apportaining a of wines. The question as to the was temporarily suspended, and a witness for fence placed upon the stand. Mr. Weiland v recalled, and after further testimony Mr. Edwar timrath was called up. The examination of ness effected much amusement, and relieved in monotony through which this case is dragging length along. The court adjourned till eleven

UNITED STATES CIRCUIT COURT. Arraignment of Prisoners. Before Judge Shipman.

On the opening of the Court yesterday morning Mr. Joseph Bell, Assistant United States District Attorney, balled on the case of the United States against John Cut. on the case of the United States against John Cuter The prisoner, through his counsel, Robert N. Vail, withdrew his previous plea of not guilty and pleaded urt that his client had been made the dups of other parties, who had devised a system of extracting frauduent payments from paymasters. Since his arrest the accused had given valuable information to the govern-ment which will inevitably lead to the arrest of the real

ment which will inevitably lead to the arrest of the real offenders.

Judge shipman—What is the offence charged?

Mr. Bell.—Presenting four cd final statements to paymasters for the purpose of procuring money. He conceded to counsel on the other side that there were mitigating circumstances in the case that might justly be taken into consideration by the Court.

Judge Shipman—The lightest sentence provided by the statute is imprisonment for one year. I therefore sentence the prisoner to one year? I imprisonment in the Penitentiary on Blackeni's Island.

John Haley and Henry Dutrich, charged jointly with uttering counterfor national currency notes, withdrew their plea of not guilty and pleaded guilty. Sentence at their own request delerred.

SUPREME COURT-SENERAL TERM.

The Execution of Jeremiah O'Brien Fixed for the 9th Day of August.

Before Judges Leonard, Clerke and Welles.

The People of the State of New York vs. Jereme O'Brien.—Xesterday morning Jeremiah O'Brien, who was convicted of the murder of his mistress, Kate Prince street, under circumstances of peculiar streety, was brought before this court for re-sentence, the judgment having been affirmed at the April term of the Court of Appeals. The prisoner was brought into court by Sheriff Kelly and a deputy, and appeared to evince little concern regarding his awful position. He conversed freely with the officers having him in charge and beckened familiarly, almost smilingly, to a person with whom he seemed to be acquainted and desired to speak. Upon the Judges taking their seas on the benon Mr. Justice Leonard asked District Attorney Hall if he was prepared to proceed. The latter gentleman replied that he wished to wait a few minutes for the arrival of ex-Judge Stuart, the prisoner's counsel, who had been duly notified. After waiting a short time, the prisoner's counsel not appearing, the prisoner, accompanied by

shall terminate. You for member the circumstances attending the death of your victim. She, on burk knees, implored you by all that is held dear to spare her life. She not only implored you for the love you bers her, but for the love you bers were the love you bers her, but for the love you bers her life. She had you pursued her, and plumed the knile shinest through her body, causing her insant death. He merder was an attroctous one, and you can expect no mercy it tils world. I would counsel you can expect no mercy it tils world. I would counsel you can expect no mercy at the world to come. Seek by earnest continion in that other world the mercy which you danel to your receitin here. Let your mind revert to that subject, and remember that, though you gave no car to her pleas for mercy, there is an ear which will be open to your entreaties. The law requires me now to fix a day upon which your execution shall take place, the day orginally fixed having attready passed. The soutence of the Court is that you be taken hence to the county jail, from whence you came, and that you be then conducted to the place of execution, there to be hanged by the neck until you are dead, and may flood have mercy on your soul.

The prisoner maintained a steady demeaner throughout the dilivery of this impressive sentence, and averted his eyes from the face of the Judge but once, at its close his manacles were replaced, and in com any with the officers he walked brinkly will of the court room, and entering a carriage, which was in waiting for him at the door, was driven of the through the private of the court of

SUPREME COURT-CHAMBERS.

Railroad Companies Have no Right to Lay Tracks in the City without Legislative Au-thority.

Before Judge Barnard.

chester Railroad Company. -- Roosevelt re. Same -- This is the case of the Railroad Company which it will be remembered attempted to lay a track for street cars in Pearl and other streets of this city for a projected line of railroad from Fulton street, at the Rast river, to Westchester. They were restrained from proceeding with the work by an injunction granted by this Court with the work by an injunction granted by this Court in November last, on application of the piannill Roosevelt, and a subsequent order of restraint against them was obtained by the Mayor and Commonsity. A motion was afterwards made for the dissolution of these injunctions, and the following opinion, was yesterday rendered by Mr. Justice G. Barnard:—

I cannot see that the defendants, the Ballroad Company, have any right to lay their tracks in any of the streets of New York without an act of the Legislature. They are expressly forbidden by law from proceeding, unless they have the same authority as all the other railroads have.

The motion to dissolve the injunctions is denied, with \$10 costs.

SUPERIOR COURT -- TRIAL TERM -- PART I. The Furth Conpowder Casualty.

Before Judge Jones.

Rudelph Furth, an Infent, by his Guardian, vs. Thomas
Flater.—This case, in which plaintid sues for the recovery of \$25,000 damages for injuries resulting from the alleged negligence of the defendant in ordering some gunpowder to be thrown into the East river in November, 1866, was resumed yesterday morning. The defence endeavored to show contributive negligence on the part endeavored to show contributive negligence on the part of the plaintiff, and elicited in evidence that some portions of the powder had been thrown from the cart by the man Gordon while passing through the street. This the children picked up and threw into a bonfire with which they were amusing themselven. An explosion followed, and the plaintiff, a child seven or eight years of ago, was severely burned and permanently disfigured. The Court charged the jury very pointedly on the ambject of negligence. It was for them to decide whether there was negligence on the part of the defendant in directing the powder to be carried in the manner in which this was carried through the streets; also whether there was contributive negligence on the part of the plaintiff in doing that which he was proved to have been engaged in. The question of negligence would also arise in the consideration of the manner in which the child was allowed to play at large without any protector; and in this connection it was also to be considered what the

and not hav this morning.

SUPERIOR COURT--SPECIAL TERM. The Bishop Diverce Unse Again-Motion to Settle Issues. Before Judge Barbour.

of the case, so far as they have been developed, I already been fully reported in the Hanazo, the achaving been commenced last summer. The motion opposed by counsel for the defendant, Nathaniel Biel brought had been discontinued, and that the suit could have been brought on for trial in Marc een noticed for trial at special term, and tha

BANKRUPT COURT.

The petitions of the following named parties were yes terday filed in the office of Chief Clerk Wilmarth:

John Palver, Hudson, Columbia county; Edward P.
Marcon, conneel, Augustus A. Bilss, New York; George
W. Lord, counsel.

SUPREME COURT -GENERAL TERM, - Celender up

SUPERME COURT—GENERAL TERM.— CRIENTE UB-changed.
ChRUTT—Part 1—Short causes.—Nos. 2555, 2115, 3279, 3881, 1867, 3937, 1553, 1647, 3111, 3575, 3445, 3893, 3865, 1579, 1737, 2015, 2957, 3271, 3757, 3825, 3917, 5965, 3988, 4013, 3109, 3233, 4035, 3301. Part 2.—Short causes.—Nos. 608, 3374, 3238, 3750, 3332, 3720, 1244, 3576, 3696, 3739, 3894, 3244, 3952, 3956, 4002, 4014, 4018, 3400, 664, 1800, 2774, 5.88, 3376, 3430, 3540, 3940, 3738, 3762, 3810, 3840, 3550, 4004, 9850, 4032, 3940, 3940.
SPECIAL TERM.—Nos. 248, 234, 246, 49, 63, 201, 251, 232, 257, 258, 259, 170, 171, 194, 195, 212, 217, 231, 243, 262, 267, 262, 269, 270, 225, 142, 214, 249, 261.
(LIAMBERS.—Nos. 59, 81, 82, 84, 106, 110, 111, 124, 4, 131, 446, 148, 107, 201, 202, 213, 216, 231, 233, 238, SUPERIOR DOUBT—TRIAL TERM.—Part 1.—Nos. 3131, 267, 1723, 3303, 3232, 2929, 2947, 3099, 3023, 3221, 2777, 2411, 3185, Part 2.—Nos. 3226, 3224, 3294, 2396, 3398, 3254, 3334, 3342, 1945, 3360, 3362, 3354, 3366, 3364, 3368

BROOKLYN COURTS.

UNITED STATES CIRCUIT COURT-EASTERN DISTRICT. Before Judge Benedict.

ent against Frederick Monaghan, for illicit de tilling, be proceeded with. The accus were forfeited and a bench warrant issued for his arrest. The same action was also taken in the case of the United States against Michael McCarthy, indicated for illiost dilling. The case of the United States against another party, charged with a similar offence, was postpountil to-morrow; after which the jury empanelled widischarged for the day, and the court adjourned.

UNITED STATES COMMISSIONER'S COURT.

The Charge of Manelaughter Against Captal

death of one John Emery, cook and steward of the bard on the high seas, by means of assaults committed

Cross-examined.—This vessel arrived at New York of the 24th of May, and I left it about a week atterward; made this complaint about the 9th of June; the Consucame aboard at Palermo, and I went into the consucame aboard at Palermo, and I went into the consucame aboard at Palermo, and I went into the consults officially six any appar; he heard my statement, as aid did the Captun; at Cette I went to the Consults official of the Consults of Counterfelt Money.

Charge of Passing Counterfelt Money.

A man named Matthew Brown was arrested and take before Commissioner Jones yesterday on the charge of Passing Counterfelt Money.

before Commissioner Jones yesterday on the charge of having passed some counterfeit fractional current notes. When arrested \$3 in counterfeit currency were found, among other things, in his possession. He we held to answer.

A Stock Case—Henry Verdict.

Before Judge Barnard and a Jury.

Acron A. De Grame et. Jot. H. Etmore.—The plain
tiff, Mr. De Grame, sued to recover the sum of \$9,000
which was paid by him to Mr. Etmore for stock of the which was paid by him to Mr. Emore ser stock of the Mahoning Ceal Company upon the alleged false representation, as alleged, that the stock was to be worth seventy at least, but really proved to be of a value whatever. At the last term of the court the case went to trial and the jury disagreed. On this trial postponement of the case was asked for on the ground that counset were elsewhere engaged. His Honor refused to postpone, Mr. De Grau's gave his testimony upon which the jury rendered a rerdict in his favor for \$9,822, principal and interest.

THE ERIE RAILWAY EXCURSIONISTS.

The Eric Railway excursionists arrived in this city has evening at seven o'clock and probacted to Niagara Falls. They returned this morning and accepted the hospitalities of the Queen City. Thirty carlages were in waiting to drive them around the city. The party jet at welve o'clock (neon) by a special train for Bunghamton on their return to New York. TAUNTON, MASS., ELECTION OR MAYOR.

The City Council last evening elected Alderman 8, 2 Rhodes Mayor, in place of E. H. lennett, resign The vote stood, on the fifth ballot Rhodes 13.